



Paper No. 22

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DAC FOR PATENTS**

MARLA J. MATHIAS  
BRISTOL-MYERS SQUIBB COMPANY  
P.O. BOX 4000  
PRINCETON, NJ 08543

In re Application of  
Rosok et al.  
Application No. 08/905,293  
Filed: August 1, 1997  
Attorney Docket No. ON0146A

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 8, 2000 and supplemented on June 1, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed August 31, 1999 which set a shortened statutory period for reply of three (3) months. Petitioners filed a request for reconsideration and obtained a three month extension of time under the provisions of 37 CFR 1.136(a) on March 6, 2000 (certificate of mailing February 28, 2000). However, as stated in the Advisory Action of April 10, 2000, the reconsideration did not *prima facie* place this application in condition for allowance. Accordingly, the above-identified application became abandoned on March 1, 2000. A Notice of Abandonment was mailed on April 17, 2000.

**The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.**

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Because the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioners must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The Power of Attorney, filed May 8, 2000 and supplemented on June 1, 2000 by an authorized representative of the assignee intervening under the provisions of 37 CFR 3.73(b), has been accepted and made of record. All future communications pertaining to this application will be mailed to the new correspondence address of record, which is identified above.

Pursuant to petitioners' authorization, Deposit Account No. 19-3880 was charged \$1,210.00 for filing a petition to revive under an unintentional standard and \$300.00 for filing a Notice of Appeal.

Telephone inquiries concerning this decision should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

The application file is being forwarded to Technology Center 1600 for further processing.

*E. Shirene Willis*

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Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

*Beverly M. Flanagan*

Beverly M. Flanagan  
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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
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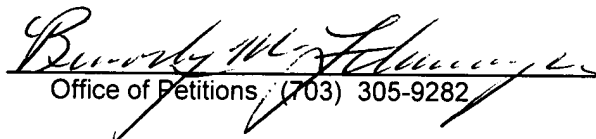
APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/905,293	August 1, 1997	ROSOK	ON0146A

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**LOS ANGELES CA 90025**  
**ATLANTA, GA 30309**

DATE MAILED: JUN 21 2000

This is in response to the Power of Attorney filed May 8, 2000 and supplemented on June 1, 2000.

- ☐ 1. The power of Attorney to you in this application **has been revoked** by the applicant. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.
- ☒ 2. The power of attorney to you in this application **has been revoked** by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record. (37 CFR 1.33)
- ☐ 3. The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33 1. The power of Attorney to you in this application **has been revoked** by the applicant. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.
- ☒ 4. The power of attorney in this application **is accepted**. Correspondence in this application will be mailed to the below-noted address as provided by 37 CFR 1.33.
- ☐ 5. The Power of Attorney in this application **is not accepted** for the reason(s) checked below:
- ☐ a. The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73 (b) has not been received.
- ☐ b. The person signing for the assignee has omitted their empowerment to sign on behalf of the assignee.
- ☐ c. The inventor(s) is without authority to appoint attorneys since the assignee has intervened as provided by 37 CFR 3.71.
- ☐ d. The signature of \_\_\_\_\_, a co-inventor in this application, has been omitted. The Power of Attorney will be entered upon receipt of confirmation signed by said co-inventor.
- ☐ e. The person(s) appointed in the Power of Attorney is not registered to practice before the U.S. Patent & Trademark Office.
- ☐ f. The revocation is not signed by the applicant, the assignee of the entire interest, or one particular principal attorney having the authority to revoke.

  
Office of Petitions (703) 305-9282

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